

NCA  
VOC FOR IOP/FN  
BACKGROUNDER NO. 5-5498  
FRED BROWN/NEW DELHI

FEBRUARY 7, 1978

## BHUTTO TRIAL NEARS CLOSE

ANNCR:

AFTER FOUR LONG MONTHS, THE MURDER CONSPIRACY TRIAL OF PAKISTAN'S DESPOSED PRIME MINISTER ZULFIQAR ALI BHUTO IS WINDING WEARILY TOWARD A CLOSE. VOA'S SOUTH ASIA CORRESPONDENT FRED BROWN HAS THIS BACKGROUND REPORT:

VOICE:

MISTER BHUTTO STANDS ACCUSED OF ORDERING THE ASSASSINATION OF A POLITICAL OPPONENT IN NINETEEN SEVENTY FOUR. THE INTENDED VICTIM, AHMED RAZA KASURI, ESCAPED UNHARMED BUT HIS FATHER WAS KILLED IN AN AMBUSH ALLEGEDLY LAID BY MEMBERS OF MISTER BHUTTO'S PARA-MILITARY FEDERAL SECURITY FORCES. FOUR MEMBERS OF THE FORCE, INCLUDING THREE WHO ADMIT FIRING THE FATAL SHOTS, ARE ON TRIAL ALONG WITH MISTER BHUTTO. ALL FOUR CONTEND THEY WERE ONLY ACTING ON ORDERS FROM HIGHER UPS. TWO OF THE FOUR TESTIFIED THIS PAST WEEK THAT THEY WOULD THEMSELVES HAVE BEEN KILLED IF THEY FAILED TO CARRY OUT THE ORDERS.

IN THE PAST FOUR MONTHS, THE FIVE JUDGE PANEL OF THE LAHORE HIGH COURT, WHICH IS HEARING THE CASE, HAS HEARD TESTIMONY FROM ABOUT ONE HUNDRED WITNESSES, INCLUDING THE INTENDED VICTIM, MISTER KASURI, AND THE FORMER DIRECTOR OF THE FEDERAL SECURITY FORCES, MASSOUD MAHMOUD. IT WAS MISTER MAHMOUD WHO PROVIDED THE MOST DAMAGING EVIDENCE AGAINST MISTER BHUTTO. AND IT IS ON HIS TESTIMONY THAT MUCH OF THE PROSECUTION'S CASE RESTS.

HE CONTENDS THAT THE ORDERS TO KILL MISTER KASURI CAME DIRECTLY FROM THE LIPS OF THE FORMER PRIME MINISTER. HE SAID MISTER BHUTTO HAD BECOME ENRAGED AFTER MISTER KASURI, A RENEGADE FROM THE THEN RULING PAKISTAN PEOPLE'S PARTY, ATTACKED HIM FROM THE FLOOR OF THE NATIONAL ASSEMBLY.

MUCH OF THE OTHER TESTIMONY HAS BEEN OF A CORROBORATIVE NATURE -- DESIGNED TO SHOW THAT IN THE ATMOSPHERE ENGERDERED BY THE BHUTTO REGIME, ORDERS TO KILL A POLITICAL OPPONENT COULD ONLY HAVE COME FROM THE TOP. ATTORNEY'S FOR MISTER BHUTTO, ON THE OTHER HAND, HAVE SOUGHT TO DISCREDIT THE GOVERNMENT WITNESSES AS MEN WHO OUT OF FEAR OR GREED, HAD BECOME PART OF A CONCERTED DRIVE TO DESTROY THE FORMER PRIME MINISTER IN ORDER TO KEEP HIM FROM REGAINING POWER.

MISTER BHUTTO AND HIS SUPPORTERS ALSO HAVE CHARGED THAT THE PRESIDING JUDGE, JUSTICE MUSHTAQUE HUSSAIN, IS BIASED AGAINST THE FORMER PRIME MINISTER BECAUSE HE WAS PASSED OVER FOR APPOINTMENT AS CHIEF JUSTICE. JUSTICE HUSSAIN HAS MAINTAINED A FIRM HAND THROUGHOUT THE TRIAL. LEGAL AUTHORITIES INSIST THE JUDGE HAS BEEN IMPARTIAL. THEY SAY HE HAS HAD TO BE TOUGH TO KEEP MISTER BHUTTO AND HIS SUPPORTERS FROM MAKING A FARCE OF THE PROCEEDINGS.

AS THE TRIAL ENTERED ITS FINAL STAGES LAST WEEK, JUSTICE HUSSAIN DIRECTED THAT FURTHER SESSIONS BE HELD "IN CAMERA" -- THAT IS, WITH NEWSMEN AND THE GENERAL PUBLIC BARRED. AMONG THOSE TURNED AWAY WAS MISTER BHUTTO'S DAUGHHER, BENAZIR. JUSTICE HUSSAIN SAID THE MOVE WAS AIMED AT PREVENTING DEMONSTRATIONS IN THE COURTROOM. BUT SOME OBSERVERS FEEL THE STEP MAY HAVE DAMAGED THE COURT'S CREDIBILITY.

GOVERNMENT ATTORNEYS IN THE CASE WHO TALKED WITH THIS REPORTER IN LAHORE INSISTED THEY HAVE A STRONG CASE AGAINST THE FORMER PRIME MINISTER, AND THEY RULED OUT ANY POSSIBILITY OF REDUCING THE CHARGE. WHILE MANY PEOPLE HERE BELIEVE IT WILL NOT HAPPEN, THE FACT REMAINS THAT UNDER PAKISTANI LAW, MISTER BHUTTO COULD BE

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FOUND GUILTY AND SENTENCED TO DEATH BY A SIMPLE MAJORITY OF THE  
FIVE JUDGE PANEL.

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JS/RTD